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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,144	03/29/2001	Jin-Yong Joo	1522.1004	3413

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EXAMINER	
CARLSON, JEFFREY D	
ART UNIT	**PAPER NUMBER**
3622	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/763,144	JOO, JIN-YONG	
	Examiner	Art Unit	
	Jeffrey D. Carlson	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 22 September 2004.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-15 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the paper(s) filed 9/22/04.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 2, 9, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1 line 9, there is no antecedent basis for the tool bar.
- Claim 9 line 3, there is no antecedent basis for the advertising update.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Graham (Graham, Ian S., The HTML Sourcebook, 1996, John Wiley & Sons, Inc., 2nd ed., page 107.) . Regarding claim 1, the claim merely requires: 1) detecting a cursor, 2) displaying a logo/phrase in an area of a command input box when the cursor is not in the area, 3) displaying a menu/tool/location bar in the area when the cursor is in the area. Applicant's language

of displaying X "where Y/Z are to be displayed" requires only the display of X. The intention to display Y/Z is not positively required by the claim language. Therefore Graham (HTML Sourcebook) page 107 which shows a classic Netscape browser provides the ad logo as well as the menu/tool bar and still meets the claim. Both are shown regardless of where the cursor is and as such, meets the claim. There is no requirement that only one of the two displayed features are present at one time. Nor is the appearance of one feature tied to disappearance of the other, via the detected cursor. The claimed cursor detection is met merely by the inherent drawing/redrawing of the cursor on the screen as the user moves the mouse as is inherent with a typical implementation of Netscape. Either the logo shown or the URL or title of the current web page/site can be taken to provide an advertising logo and/or phrase.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3, 4, 6-8, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke (US6302162) in view of Harding (US6307544). Burke teaches a client application that communicates with the Internet as a web browser [5:64-67, 7:33-38]. The user interface includes a web page display area 530 (text box) and screen areas 540 and 550 located above and below the text/web content box 530 [fig

4]. Burke teaches that the screen areas 540 and 550 are used for displaying advertisements and for displaying menu icons as a GUI to the browser software functions, such as those functions available within Netscape or IE [8:26-34]. While Burke teaches ads and menus in these screen regions, Burke does not teach dynamic display of them based upon the user's mousing properties. Harding teaches a GUI for a software application whereby when a user's mouse hovers over a particular area of the interface, clickable, cascading menus appear in order to launch other applications or applets (i.e. program functionality) from them [3:10-21, 55-67, 4:1-5]. It would have been obvious to one of ordinary skill at the time of the invention to have provided the advertising of Burke in the suggested screen areas and dynamically changed such screen regions to popup menus for further browser functionality when a user hovers the mouse in the area in order to provide an easy to user graphical user interface. Regarding claim 4, Burke teaches that the features may be provided by a stand alone application or by functionalities built into the web browser. Regarding claim 7, neither base claim 3 or 4 require the ad to appear in the logo area and claim 7 further defining the logo area still does not require the ads in that area. Nonetheless, applicant admits the prior art use of browser providers to include an area displaying a logo. It would have been obvious to one of ordinary skill at the time of the invention to have provided such advertising in any non web content (non text box) area, including the logo area in order to increase the visibility of the advertising.

8. Claims 5, 9, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke in view of Harding and Hoyle (US6628314). Burke does not appear to teach where the advertising comes from. Hoyle also teaches a browser application that includes a built-in advertising display area. The ads of Hoyle are periodically downloaded from an advertising server and then subsequently displayed in the ad area [19:1-4]. It would have been obvious to one of ordinary skill at the time of the invention to have downloaded ads to the client software of Burke periodically so that different, newer ads can be shown to the user.

9. Claims 2, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke in view of Harding, Middleton, III et al (US6393407) and Krishan et al (US6442549). Middleton, III et al teaches that a web browser can track user interaction with the displayed advertising, such as by a timer or mouse hovering time. This timing data is then sent to the advertiser so that they may analyze the results and measure the ad impressions more effectively. Krishan et al teaches the idea of an advertiser helping to pay an Internet user's ISP charges based on consumption of their advertising while online. It would have been obvious to one of ordinary skill at the time of the invention to have timed the ad display/interaction, sent such data to the advertiser for ad consumption metrics and for payment to the user's ISP in order to keep Internet access fees low in exchange for viewing ads.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burke in view of Harding, Hoyle, Middleton, III et al (US6393407) and Krishan et al (US6442549). Middleton, III et al teaches that a web browser can track user interaction with the displayed advertising, such as by a timer or mouse hovering time. This timing data is then sent to the advertiser so that they may analyze the results and measure the ad impressions more effectively. Krishan et al teaches the idea of an advertiser helping to pay an Internet user's ISP charges based on consumption of their advertising while online. It would have been obvious to one of ordinary skill at the time of the invention to have timed the ad display/interaction, sent such data to the advertiser for ad consumption metrics and for payment to the user's ISP in order to keep Internet access fees low in exchange for viewing ads.

Response to Arguments

11. Applicant argues that there is no suggestion to combine Burke and Harding. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the ease of use features in the GUI of Harding would have been obvious to one of ordinary skill to combine with Burke so that Burke's GUI could also enjoy the ease of use benefits.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc